



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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January 22, 2003

CERTIFIED MAIL

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RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Corfin Industries, LLC
7B Raymond Avenue, Unit 7
Salem, New Hampshire 03079

Attn: Mr. Gerald Bernstein, President

**Re: Corfin Industries, LLC
Salem, New Hampshire
EPA ID # NHD986474377**

Dear Mr. Bernstein

On November 14, 2002, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Corfin Industries, LLC (Corfin). The purpose of the inspection was to determine Corfin's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

Env-Wm 502.01 Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps generated at Corfin. DES inspectors also confirmed that Corfin disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of a waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Corfin test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that a waste determination may also be accomplished by Corfin using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Corfin may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. At the time of the inspection, DES provided Mr. Donald Tyler, Corfin's Operations Manager, with DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters" and a DES "Fluorescent Lamp and Ballast Recycling Facility" list which can be used to aid you with the determination.

Corfin will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

In a November 15, 2002 submittal from Mr. Donald Tyler, documentation was provided substantiating Corfin's decision to handle waste lamps as Universal Waste in accordance with Env-Wm 1100. No further action is required.

Env-Wm 512.01(a)(Recordkeeping Manifest Copy

At the time of the inspection, Corfin did not have on file a facility-signed copy of Manifest No. MAM549302, dated 2/27/01.

Env-Wm 512.01(a)(1) requires generators to keep on file, all manifest copies, including the original generator copy and the copy certified by the designated facility or the foreign consignee, for 3 years from the date of signature by the generator.

DES requests that Corfin obtain a copy of this manifest signed by the designated facility and forward a copy to DES. DES also requests that manifest copies be retained for future shipments of hazardous waste.

On November 15, 2002, Mr. Donald Tyler submitted a copy of the requested manifest. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of the submittals describing the corrective measures taken by Corfin to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

During the inspection, DES noted that Corfin periodically generates solder dross as well as spent solder baths. After careful review of the applicable Hazardous Waste Rules, we have determined the regulatory status of these two waste streams. In terms of the solder dross, this material is classified as a characteristic "by-product" (*i.e.*, would be considered hazardous because it exhibits the toxicity characteristic for lead) that is recycled by being reclaimed, and, as such, the solder dross is not a waste when recycled, per Env-Wm 803.04(b)(2). In regards to the spent solder bath, this material is classified as a "scrap metal" being recycled and, as such, the spent solder bath is not subject to regulation under the Hazardous Waste Rules, per Env-Wm 802.02(a)(3). Therefore, Corfin does not need to use a hazardous waste manifest or a registered New Hampshire hazardous waste transporter to deliver these two materials to a recycling facility, but would remain subject to any applicable U.S. Department of Transportation and New Hampshire Department of Safety transportation regulations. Corfin needs to maintain documentation of claims that the solder dross and the spent solder bath are not subject to regulation, as per Env-Wm 803.05, and remain in compliance with the Env-Wm 811 Speculative Accumulation requirements.

This determination is made under the condition that the information provided by Corfin relating to the physical and chemical nature of the materials, their source, and the proposed disposition and processing is true and accurate. Inaccuracies or changes in any of the stated facts could alter DES's determination. For instance, per Env-Wm 803.03(b), if the solder dross is used in a manner constituting disposal, or used to produce products that are applied to the land, burned for energy recovery, accumulated speculatively, or inherently waste-like, then the solder dross would be deemed to be a waste when recycled and therefore subject to regulation under the Hazardous Waste Rules.

Despite the fact that the solder dross and the spent solder baths are not subject to regulation under the Hazardous Waste Rules, Corfin should ensure that storage and handling practices for the materials do not pose a hazard to human health or the environment (*i.e.*, are consistent with other provisions of law that are protective of groundwater, surface water, and air.)

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the


meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

COPY


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc DB/RCRA/NOPV/RPB/Archives
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit
Donald Tyler, Operations Manager, Corfin Industries, LLC

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist